C.L.R. No. 68D of 2001
(Old No. 157 of 2000)

Hon. P.C. Pant, J.

Mr. Siddhartha Sah, Advocate present for the respondent Bank.

None present for the revisionists.

Heard learned counsel for the respondent.

This revision is directed against the order dated 16th August, 2000 passed in Civil Suit No. 12 of 1994, whereby the application No. 187-C moved by the defendant was rejected. In said application, revisionist-defendant raised the objection that the suit for the recovery of loan was not maintainable before the civil court, in view of the provision of Recovery of Debts Due to banks and Financial Institutions Act, 1993. However, since the suit was not simple suit for recovery of debt, but it was a mortgage suit, therefore, he trail court rejected the application.

There appears no illegality in the impugned order. Apart from this, learned counsel for the respondent states that the matter between the parties had already been settled amicably outside the court.

In the circumstances, the revision is dismissed.

(P.C. Pant, J.)

Dt. 14.02.2006
HN